

1                   IN THE DISTRICT COURT OF THE ELEVENTH  
2                   JUDICIAL DISTRICT OF THE STATE OF MONTANA  
3                   IN AND FOR THE COUNTY OF FLATHEAD  
4                   CAUSE NO. DV-97-87

5                   MARY RUTH ALBERT, individually        )  
6                   and as Personal Representative        )  
7                   of the Estate of THOMAS O. ALBERT,    )  
8                   Deceased,                                )  
9                   Plaintiffs,                                )  
10                  vs                                        )  
11                  W.R. GRACE & CO.-CONN., a            )  
12                  Connecticut corporation,                )  
13                  Defendants.                                )  
14                  

15                  D E P O S I T I O N  
16                  OF

17                  MARY RUTH ALBERT  
18                  (On Behalf of Defendant)

19                  Taken at the Law Offices of  
20                  McGarvey, Heberling, Sullivan & McGarvey  
21                  945 South Main  
22                  Kalispell, Montana  
23                  Thursday, August 26, 1999  
24                  9:00 a.m.

25                  Reported by Debra M. Hedman, RPR, RMR, and Notary  
                  Public for the State of Montana, Flathead County

1 talking about children.

2 A Yeah.

3 Q With regard to your children, you have  
4 three of them living here and you see them quite  
5 frequently, do you?

6 A Uh-huh.

7 Q Yes?

8 A Yes.

9 Q Now, during the time -- Well, when was the  
10 last time that any of your children were dependent  
11 upon you or your husband for support?

12 A They are all in their 40s, so -- It has  
13 been a long time.

14 Q Did they sort of move out when they  
15 were -- got out of high school?

16 A Yes. I had three of them join the  
17 service.

18 Q And then when they got out of the service  
19 they led their own lives, sort of away from the  
20 home?

21 A Yeah.

22 Q Okay. And they would come back and visit  
23 from time to time, obviously?

24 A Oh, yeah.

25 Q Now, my recollection from looking at the

1 records that I have is that your husband was  
2 involved primarily in the logging business while he  
3 was here in the Flathead?

4 A Uh-huh.

5 Q Did he --

6 A Yes.

7 Q Did he have any kinds of jobs?  
8 Mechanicking?

9 A No. He was -- He worked in the  
10 woods.

11 Q At least at one point in time, when I was  
12 looking at the medical records, it indicated that he  
13 was a loader operator; is that what he preferred to  
14 do in the woods?

15 A Oh, yeah.

16 Q What I want to do is to go through a  
17 couple of areas relating to your husband, but before  
18 I get to that I would like to ask you some questions  
19 about yourself. Do you have any significant health  
20 difficulties?

21 A No.

22 Q Okay. Have you had any kind of lung or  
23 pulmonary problems?

24 A I had pneumonia in March. That's the  
25 only --

1 Q Other than that you're in good physical  
2 health?

3 A I would say fair. You know.

4 Q Okay. Any serious problems at all? You  
5 know, we all have our occasional colds and our aches  
6 and pains, but as we get older -- as some of us get  
7 older -- but do you have anything that is more  
8 serious than that?

9 A I don't think so.

10 Q Okay. Good. Have you ever been involved  
11 in an action like this before -- a personal injury  
12 action?

13 A No.

14 Q Was your husband ever involved in one?

15 A No. He was on workers' comp a couple  
16 times, but that was all.

17 Q Yeah, those were for minor things --

18 A Yeah.

19 Q -- that he would just have some medical  
20 treatment and maybe a little bit of time off and  
21 then he would go back to work?

22 A Yes.

23 Q Okay. I saw mention of the fact that he  
24 was going to apply for some Social Security  
25 benefits. Did he in fact apply for those?

1 A Uh-huh. Yes.

2 Q And was he awarded benefits?

3 A He had -- After his surgery, he -- I think  
4 he got one regular Social Security check and then he  
5 was put on disability.

6 Q Okay. Now, are you the recipient of  
7 Social Security payments now?

8 A I get a widow's benefit, yes.

9 Q And as I recall, you said you had  
10 worked -- Are you aware of any exposure that you  
11 have had or that your husband had in the household  
12 to asbestos?

13 MR. SULLIVAN: Well, I'm going to  
14 object. It's an ambiguous question. Are you  
15 referring to asbestos from Zonolite or are you  
16 referring to asbestos from another source?

17 MR. GRAHAM: Yeah.

18 BY MR. GRAHAM:

19 Q To asbestos -- Let me talk to you about  
20 specific items. Asbestos tile in the floor?

21 A No.

22 Q Okay. Not that you're aware of?

23 A No.

24 Q How about asbestos ducting or insulation?

25 A In any of our homes, you mean, or

1 anything?

2 Q Yes.

3 A No. I don't -- There was a lot of homes  
4 insulated with that years ago, but I don't believe  
5 we ever --

6 Q Okay.

7 A I don't know. Because we never tore out  
8 the walls or --

9 Q Sure.

10 A You know.

11 Q To your knowledge, did your husband ever  
12 work with any asbestos types of materials, other  
13 than the asbestos to which he might have been  
14 exposed from Zonolite?

15 A No.

16 Q Okay. Were you ever at the -- I have the  
17 dates which I believe were your husband's employment  
18 dates at -- actually it was Zonolite at that time.  
19 And I have him starting at -- on May 5th, 1960, and  
20 working until May 28th, 1962. Does that sound about  
21 right to you?

22 A Right.

23 Q Were you ever up at the mine or mill  
24 during that period of time?

25 A You know, I think I must have gone up at

1 least once to see what it was. You know.

2 Q Do you have any current impression as to  
3 what you saw?

4 A It was so long ago, I don't recall.

5 Q A lot of these questions I'm going to be  
6 asking you are -- there is no right answer to them,  
7 and if you don't remember, that's as important to me  
8 as whatever you saw. Because all I'm trying to find  
9 out is what you might testify to if this matter goes  
10 to trial. Were you aware of the jobs that your  
11 husband was performing at Zonolite? Did you talk to  
12 him about those jobs?

13 A I knew what he did.

14 Q And what's your understanding of what it  
15 was he did?

16 A They all started out as sweepers, as far  
17 as I -- I'm sure that most of them did. He swept  
18 for a couple of months. Then he worked on  
19 construction and Tom DeShazer was his boss. And  
20 then he -- I think they bid on this dump truck and  
21 Euclid job. Then he worked there driving Euclid.

22 Q The figures that I have are one month as a  
23 Sweeper, twelve months on construction, four months  
24 as dump man, and eight months as a Euclid operator.  
25 Does that sound okay?

1 A That sounds about right.

2 Q Did you have any -- While he was working  
3 there, did you have any close friends who were  
4 either workers at Zonolite or the spouses of workers  
5 at Zonolite?

6 A Not real, real close friends.

7 Acquaintances.

8 Q And who do you remember that would have  
9 been acquaintances?

10 A I remember Stu Cannon and his first wife.  
11 Les Skramstad. He worked up there, I think, the  
12 same time Tommy did. Ron Halsey. Rub Fellenberg.

13 Q Okay. Now, when you moved here, which  
14 would have been a few years after your husband last  
15 worked at Zonolite, did you maintain contact with  
16 any of those folks?

17 A Fellenbergs.

18 Q Okay. And do you still maintain contact?

19 A Not anymore. His wife died and I haven't  
20 seen Rub for a long time.

21 Q Quite a while?

22 A Quite a little while.

23 Q And how about Stu Cannon? Because Stu is  
24 actually here in town now.

25 A We knew Stu and his first wife.

1 Q Yeah. Okay. What was his clothing like  
2 when he came home?

3 A It was dirty, dusty.

4 Q Did the two of you have some sort of a  
5 normal procedure with regard to how you took care of  
6 his clothing when he came home?

7 A Oh, I usually took them off in the  
8 bedroom -- or he did, and I would put them in the  
9 laundry basket. And he would shower and put his  
10 clean clothes on.

11 Q That's what -- So he would do that right  
12 when he came home?

13 A Yeah.

14 Q And then -- Was it customary for him then  
15 to wear a different set of work clothes every day as  
16 opposed to wearing the same clothes more than once?

17 A He might have worn them two days.

18 Q ... But he would put them -- He would clean up ...  
19 when he got home, put them someplace, and then put  
20 those back on the next morning if he wore them two  
21 days?

22 A If he wore them two days, yes.

23 Q Did he wear coveralls at all?

24 A I don't think he did.

25 Q Did he ride the bus back and forth to

1 work?

2 A He must have, because I'm sure that he  
3 wouldn't have driven an old car up there. I don't  
4 think -- I don't know if they let them drive their  
5 own vehicles.

6 Q See, and I'm not sure. I think --

7 A I wouldn't think they would have.

8 Q I think it depended on the time and all of  
9 that, I think. Did he ever talk to you about  
10 wearing respirators?

11 A No.

12 Q So whether he did or he didn't, you just  
13 have no knowledge?

14 A He had said, when he had gotten sick, that  
15 they had respirators, but they said they could wear  
16 them or they didn't have to wear them. And he said  
17 that they -- you couldn't hardly wear them, they  
18 would clog up.

19 Q Okay. And this was something that he told  
20 you when he was sick?

21 A Uh-huh.

22 Q So that would have been 30-some years  
23 after he worked there?

24 A Uh-huh. Yes.

25 Q Do you know why he told you that then?

1 A I don't know. I can't recall.

2 Q Was that after the lawsuit was filed?

3 A It may have been. Probably was.

4 Q Did he say anything about whether he was  
5 issued a respirator?

6 A I assume that he would have been.

7 Q And his boss then was Tom DeShazer?

8 A On construction.

9 Q On construction.

10 A Yes.

11 Q Do you know who his boss would have been  
12 when he was a sweeper?

13 A No. I don't know.

14 Q Okay. Anything else he said about  
15 respirators, other than what you have just said?

16 A No.

17 Q Okay. Did he say anything about why the  
18 respirator would plug up?

19 A No.

20 Q Did he describe for you how much dust  
21 there was up there ever?

22 A When he was a sweeper, yeah.

23 Q What did he say?

24 A Well, he just -- I think -- I don't know.

25 Probably just that it was a dusty job.

1 Q Yeah. Okay. Was that at the time or was  
2 that, again, later that he talked to you about that?

3 A Probably at the time.

4 Q Did he -- I talked with you about the  
5 people that you knew or the friends that you had --  
6 acquaintances, I guess, was probably a better term,  
7 that worked there. Did your husband have any sort  
8 of close friends of his own that worked there that  
9 perhaps you didn't get to know very well?

10 A I imagine, yes.

11 Q Do you know who they might have been?

12 A He knew Stu Swenson.

13 Q Stu Cannon?

14 A Yeah, pardon me. That's somebody else.

15 Stu Cannon -- My mind. And he worked up there with  
16 Les.

17 Q He would have worked with Les. And Ron  
18 probably?

19 A Ron Halsey. I don't know if he worked at  
20 the same jobs as Ron did at the same time.

21 Q Was your husband raised there in the Libby  
22 area?

23 A He was born in Sidney and then I think  
24 they moved to Libby in about '46 or '47.

25 Q When was it that you first became aware,

1 if you recall, of asbestos being a harmful or  
2 potentially harmful mineral?

3 A Oh, gosh, it was probably in the early  
4 '80s.

5 Q How did you hear about that? Just over  
6 the media?

7 A Yeah, I think so.

8 Q When did you hear first that you can  
9 recall that there was asbestos dust in the air at  
10 the Zonolite facility?

11 A Say that again, please.

12 Q When was it that you first became aware  
13 that there was asbestos in the dust at the Zonolite  
14 facility?

15 A I don't know. It was years and years  
16 later. We never knew --

17 Q Okay. Did you ever ask your husband if he  
18 knew that there was asbestos there at the facility?

19 A No.

20 Q Did you ever hear of a type of asbestos  
21 called tremolite?

22 A I can't -- I can't recall.

23 Q Did your husband talk about how dusty it  
24 was at places up there at Zonolite other than in the  
25 dry mill?

1           A     I can't -- I don't know if he ever said,  
2     but I -- No, I can't say this, because I assumed  
3     there was dust when he was driving the truck, but  
4     that's, you know --

5           Q     No, and I understand that. And it's  
6     something that it's natural to assume because you  
7     knew that it wasn't all paved up there?

8           A     Yeah.

9           Q     And so you would expect some dust, right?  
10     But he didn't -- You don't have a recollection of  
11     him talking about a comparison between what the dust  
12     was like doing the sweeping job and what the dust  
13     was like doing some other job?

14     A     No.

15     Q     Did he ever mention anything about any  
16     kind of inspections or the State coming onto the  
17     project up there or anything of that nature?

18     A     No. Not that I remember.

19     Q     Did he ever mention to you anything that  
20     he might have been told while he was working there  
21     concerning whether the dust was harmful or not?

22     A     He never.

23     Q     Never? Nothing in that regard?

24     A     No.

25     Q     Do you remember in any of your discussions

1 with Stu Cannon, Les Skramstad, Ron Halsey, Rubin  
2 Fellenberg or anyone else who worked up there at the  
3 time your husband did -- do you recall any  
4 discussions with them of the work conditions up  
5 there --

6 A No.

7 Q -- or the dustiness or anything like that?

8 A No.

9 Q Was your husband involved in any of the  
10 union activities while he was there?

11 A I guess he would have been a union member,  
12 but I don't remember --

13 Q You don't remember him going off to  
14 meetings all the time?

15 A No.

16 Q Okay. With regard to his clothing when he  
17 would bring it home, you said he would take it off  
18 and it would go into the laundry basket. Did it --  
19 just the fact of his clothing being there -- create  
20 a particular dustiness in your house?

21 A I would imagine.

22 Q Do you have any recollection that it did?

23 A There was dust. I don't -- I don't know  
24 where it -- you know.

25 Q At that time when you were in Libby, did

1       you live on a paved street or was it a gravel street  
2       that went by your house?

3           A     It was -- It was paved from the highway,  
4       and then there was a little road we went up that  
5       wasn't paved into our -- we had rock or --

6           Q     So you -- Yeah, so you would have ended up  
7       with a little bit of dust from your driveway?

8           A     I suppose, a little bit.

9           Q     Did you have a clothes dryer or would you  
10       hang the clothes outside to dry?

11          A     I had a washer and dryer.

12          Q     Okay. Anything else you remember about  
13       the mill and the mine and the dustiness that we  
14       haven't already talked about?

15          A     I can't think --

16          Q     Anything about your husband's employment  
17       at Zonolite that we haven't discussed?

18          A     No.

19          Q     Okay. And it sounds to me, it's sort of a  
20       typical thing, you were busy during the day doing  
21       your things and he would go off to work and come  
22       back and about all you would really know is that his  
23       job was dusty because his clothes were dusty?

24          A     Yes.

25          Q     Did he ever complain to you about the

1       dustiness that he had at his employment?

2       A     I can't remember if he did.

3       Q     I've been around a lot of logging landings  
4       and those can get pretty dusty in the summertime,  
5       too.

6       A     Yes.

7       Q     Would you say that the dustiness of his  
8       clothing in his logging jobs in the summer was  
9       essentially the same as the dustiness of his  
10      clothing when he worked at Grace -- or, at Zonolite?

11      A     Probably comparable.

12      Q     Yeah. Okay. Let's talk about -- Let's  
13      talk about your husband's health some. First of  
14      all -- Oh, I have some statistics here. He would  
15      have been born on July 7th, 1933; is that right?

16      A     Right.

17      Q     And you were born on November 18th, 1936?

18      A     Right.

19      Q     Married February 26, 1953.

20      A     Uh-huh.

21      Q     And I do have the date -- There is a  
22      disability date of January 15th, 1996. Does that  
23      sound about right?

24      A     What -- Say that again now.

25      Q     A disability date for Social Security

1       purposes of January 15, 1996?

2           A     Yes.

3           Q     Okay. It's my understanding that your  
4       husband was diagnosed with colon cancer in 1989?

5           A     '89.

6           Q     And then had surgery in 1990 for it?

7           A     Yes.

8           Q     Before that time, other than sort of the  
9       normal dings that people get when they are working  
10      in the woods or working in industrial settings, had  
11      he had any significant medical problems?

12        A     No.

13        Q     I have down that he had an appendectomy or  
14      something like that back in 1970?

15        A     Oh, gallstones. And then they took his  
16      appendix out at the same time, which they normally  
17      do.

18        Q     There is some mention in the medical  
19      records about him having some cardiac risk factors  
20      and some diffuse coronary disease. Let me ask you  
21      this, before I ask you the question about the  
22      medical. When he would go -- from, say 1989 on,  
23      when he was diagnosed with the colon cancer -- when  
24      he would go in to the physicians, would you normally  
25      accompany him and listen to what the doctors had to

1 say to him?

2 A After the surgery?

3 Q After the -- After the colon surgery.

4 A We went to Dr. Schmid in Missoula. Judy.

5 We went about twice a year for check-ups.

6 Q Okay. What I'm --

7 A And I went with --

8 Q What I'm getting at is, when he went, for  
9 instance, to Dr. Boyer or Dr. Schmidt or, you know,  
10 any one of his then-treating physicians, whenever  
11 they had a conference with him after he went to see  
12 them, would you be with them -- with him in the  
13 conference with the doctors?

14 A No, I -- I don't know about a conference.

15 Q Well, I guess what I'm getting at is,  
16 sometimes doctors will do their examinations and all  
17 of that and then sit down with the patient and say,  
18 here is what I found out.

19 A Before the surgery.

20 Q Or did -- Or at any time?

21 A Or after.

22 Q Whenever you go to a doctor.

23 A I liked to be with him when he went to the  
24 doctors.

25 Q That's what I was getting at.

1 A You know.

2 Q What I'm trying to find out is whether --  
3 whether for the most part what the doctors told him,  
4 you were there to listen to?

5 A Probably.

6 Q Okay. Now, with regard to his heart risks  
7 or any problems that he might have had with his  
8 coronary arteries -- coronary disease, do you have  
9 any recollection of what the physicians would have  
10 said about that?

11 MR. SULLIVAN: And I'm going to  
12 object on the basis of hearsay.

13 BY MR. GRAHAM:

14 Q Go ahead.

15 THE DEPONENT: Do I answer?

16 MR. SULLIVAN: Yes.

17 BY MR. GRAHAM:

18 Q Yes.

19 A He had a test -- I can't remember what  
20 year it was, after his colon cancer. He had that  
21 treadmill, Thallium.

22 Q Thallium test?

23 A Yeah. And he had some heart blockage.  
24 Dr. Williams told us that.

25 Q And do you remember whether there was any

1 suggestion that he receive any treatment for that?

2 A No. There was none. They didn't.

3 Q Now, when he had the colon cancer surgery,  
4 did he also have chemotherapy in connection with  
5 that?

6 A He had chemotherapy once a week for a  
7 year.

8 Q After that surgery?

9 A After he healed up, yeah.

10 Q Okay.

11 A It was 5FU, it was called, and it was the  
12 type that I think he took 900 milligrams from an IV  
13 push at the doctor's office and it didn't make him  
14 sick and he didn't lose his hair. He worked.

15 Q Worked throughout that period of time?

16 A Yeah.

17 Q Up until he became quite ill with the lung  
18 cancer, had he missed any significant period of work  
19 from -- for medical treatment?

20 A Before the lung cancer? And after the  
21 colon cancer?

22 Q Yes.

23 A No.

24 Q How about even before the colon cancer?

25 A I can't think of anything major or

1 anything like that. He was healthy. He was a  
2 healthy person. Strong.

3 Q A day off here or there?

4 A Not very often.

5 Q Okay. Now, he would have time off during  
6 break-up?

7 A Uh-huh. Yes.

8 Q There was some comment in the medical  
9 records about the fact that he enjoyed his work and  
10 that he didn't really even want to take time off and  
11 go on trips or anything because he enjoyed his trips  
12 in the woods. Did you guys go on trips?

13 A Trips? We went camping and stuff like  
14 that, you know.

15 Q Did you? Did you have a camper?

16 A Yeah.

17 Q Or did you have a tent camper?

18 A No, we had campers. And we never went  
19 very far.

20 Q Go on the weekends or something like that?

21 A Yeah. He -- Like I told Roger, he had had  
22 a picnic every day up in the woods. He didn't  
23 especially care about going on the weekends.

24 Q Going back up?

25 A Going back out.

1       nodule in his upper right mid lung field was first  
2       identified in October of 1994. Does that sound  
3       about right?

4           A      Nodule on his lung?

5           Q      Yeah, the cancer first showed up in his  
6       lung in 1994.

7                    MR. SULLIVAN: I'm going to object  
8       on the basis that the medical records speak for  
9       themselves and that the diagnosis of cancer is in  
10      the medical records. And I would object on the  
11      basis of foundation.

12     BY MR. GRAHAM:

13           Q      Let me just ask you the question then  
14      differently. When was it that you first became  
15      aware that your husband had been diagnosed with any  
16      kind of lung cancer?

17           A      It was December, I believe, of '95.

18           Q      December of '95? And --

19           A      Yes.

20           Q      And then it was sometime not too long  
21      after that that he had his operation?

22           A      January of '96.

23           Q      January of '96. And then he went through  
24      another couple bouts of chemotherapy, did he?

25           A      And radiation.

1 Q And radiation therapy? And then he had  
2 new cancer showing up as a result of that old  
3 cancer? Or --

4 A I don't know.

5 Q Okay.

6 A I don't know.

7 Q Was he at home most of the time after that  
8 operation?

9 A Yes.

10 Q And did he -- Was he able to work after  
11 that operation?

12 A Hu-huh. No.

13 Q Did he work right up to that operation?

14 A Yeah, I think he did.

15 Q That's what I gathered, that he worked up  
16 until that operation but was unable to go back to  
17 work after the operation?

18 A Yeah. Yes.

19 Q And did he remain at home until his death  
20 then?

21 A We went on one trip.

22 Q Down to Denver actually?

23 A Yeah. To our son's -- our youngest son  
24 got his Master's degree, and he was not well when he  
25 went. But he said that if he didn't go, it would --

1 he said it would probably be his last.

2 Q And he had some problems down there, as I  
3 recall, from the medical records? Needed some  
4 medical treatment down there?

5 A No.

6 Q Or maybe not medical treatment. Did he  
7 have to go into a hospital or nursing home or  
8 anything?

9 A No, I kept him at home.

10 Q Kept him at home. There is some notation  
11 that he was on a morphine pump or something like  
12 that. How long would he have been on that?

13 A Well, let's see. He was on lots of  
14 painkillers and Marinol even. You know. We thought  
15 that would maybe make him feel better. Which it  
16 didn't. And then I can't recall exactly how long  
17 he was on the morphine pump for sure. I had  
18 hospice.

19 Q Oh, hospice assisted?

20 A Yeah, and home health.

21 Q Can you describe for me how well the pain  
22 was controlled, as you observed it?

23 A On the little pump, the little box, you  
24 know, it had a sub Q needle in his stomach, and if  
25 the pain -- if it wasn't giving him enough

1 automatically, then there was a button that you  
2 could punch and it would give you an extra dose.  
3 And then hospice would look at that inside and see  
4 how many punches you made extra, and if it was a lot  
5 then they would --

6 Q Adjust it?

7 A -- they adjusted the morphine up. Yeah.

8 Q Okay. I've just never had any experience  
9 with the morphine pump or this kind of disease at  
10 all.

11 A Yeah. It works -- It works pretty good,  
12 you know.

13 Q There comes a point in time, I understand,  
14 when the morphine starts interfering with your  
15 ability to think and communicate and talk and that  
16 sort of thing. Did it get to that point or --

17 A Yeah.

18 Q Did it?

19 A Yes.

20 Q Did that --

21 A Not too bad, but he -- the Saturday night,  
22 before he died -- I don't know if I told you this.  
23 He raised out of his bed and the -- hospital bed and  
24 I said, Tommy, I said, You lay back down now. And  
25 he got up out of the bed and he came after me. And,

1 you know -- I don't think I told you that, did I?  
2 And he -- He was coming after me, but he didn't  
3 know, you know.

4 Q Yeah, I've actually had that similar  
5 experience where it's like a nightmare sort of  
6 situation for them. I think they call it  
7 confabulation or something where they -- the patient  
8 imagines a whole set of things that aren't there.

9 A I was a son of a bitch.

10 Q You were the enemy?

11 A Yeah.

12 Q I've been in that role, too.

13 A He didn't last very long, though. That  
14 was two days before he died. It wasn't long, he was  
15 laying on the floor.

16 Q That was the worst that it got as far as  
17 that mental thing?

18 A Yeah. Yeah.

19 Q Up until that point in time, were you able  
20 to visit and talk with him?

21 A Somewhat. He had -- He would have some of  
22 the guys that he worked with come, but they didn't  
23 come until real late. I guess they didn't realize  
24 he was as bad as he was, and he didn't -- they  
25 couldn't stay very long because he just --

1 A Yeah, and I'm sure that they would have  
2 wanted him to because he was good at his job. And  
3 he was -- He worked every day.

4 Q Did he have -- Did he ever go out on his  
5 own in the logging contracting business?

6 A Yes, about in 1980 I think it was we had a  
7 couple machines, loaders, and then that was about  
8 the worst year for logging that there was.

9 Q The wrong time to go out?

10 A Oh, gosh, yes.

11 Q And then after that he worked for wages?

12 A Yeah. He worked for -- Then he went to  
13 work for Stoltze.

14 Q And had worked for Stoltze then for over  
15 ten years?

16 A I was trying to think how long it was.  
17 Fourteen? Fourteen -- I thought it was fourteen  
18 years.

19 Q Up until the time he got lung cancer, did  
20 he ever complain or did you ever observe him being  
21 short of breath?

22 A No.

23 Q And it wasn't until they removed a sizable  
24 portion of one of his lungs that he became short of  
25 breath?

1 A Uh-huh. Yes.

2 Q Did he recover from that shortness of  
3 breath?

4 A No. He couldn't take a shower even.

5 Q Yeah, because he had so much lung volume  
6 gone -- You don't know medically why it was?

7 A No, but I know they took a lot of it out.

8 Q Was he ever on oxygen?

9 A Toward the end he was.

10 Q Was it the thing up the nose?

11 A Yeah. Yes.

12 Q Can you estimate when it was in relation  
13 to his operation that he became bedridden?

14 A I think I had the hospital bed only  
15 about a week, but we had a big circular davenport  
16 and he would try to sleep on one end and I would  
17 sleep on the other end. And he never slept. He  
18 couldn't sleep very good. He couldn't -- He had  
19 pills and stuff, but even with the morphine he  
20 couldn't rest.

21 Q Would he get up and move around or --

22 A Yeah. Walk around. Lay back down. Get  
23 in the recliner. And he still couldn't --

24 Q Just restless?

25 A Very, very restless.

1 Q Did he -- How long do you think that he  
2 would have been on oxygen?

3 A Probably -- I think they brought it out  
4 about the same time they brought the hospital bed.

5 Q So it would have been the last week or so?

6 A Week and a half, something like that.

7 Q And was the morphine pump longer than that  
8 or was that about the same time?

9 A No, that was a little longer. I can't  
10 recall exactly how long, but --

11 Q Weeks longer or months longer?

12 A Oh, a couple of weeks longer.

13 Q I'm sure that we have the information  
14 someplace, so --

15 A I just can't remember.

16 Q Had he ever been on any kind of inhalents  
17 before he went on oxygen to improve his breathing?

18 A No.

19 Q Okay. While your husband was working at  
20 Zonolite, was there ever any discussion which you  
21 became aware of of the fact that former employees or  
22 current employees were having respiratory problems?

23 A At the time he was working there?

24 Q Yes.

25 A No. I can't recall.

1 Q How about afterward? Did you hear that  
2 people had had respiratory problems that had worked  
3 at the facility?

4 A We knew of one man, this was -- His name  
5 was Shorty Welch. I can't remember what his --

6 Q Lilas is what his --

7 A Oh, yeah.

8 Q Lilas was his --

9 A I knew he had something wrong with his  
10 lungs. We called it -- or, they called it or  
11 somebody called it black lung. You know. But  
12 that's about all.

13 Q Yeah, he actually had an Occupational  
14 Disease Act hearing here in Kalispell in 1967. Were  
15 you aware of that hearing or anything like that?

16 A Hu-huh. I don't even know when he died or  
17 anything. I can't remember.

18 Q Up until the time that you filed suit or  
19 were in contact with attorneys concerning this  
20 particular matter, were you aware of anyone at  
21 the -- anyone who had worked for Zonolite who had  
22 died of lung cancer?

23 A Who had died of lung cancer?

24 Q Yeah.

25 A No.

1 Q Or who was ill from asbestosis or any  
2 asbestos-related disease? Other than -- Well, I  
3 guess with Shorty Welch you just heard black lung,  
4 not asbestosis.

5 A That was years ago. Les Skramstad.

6 Q Okay, when Les had it, you became aware of  
7 it?

8 A I read it when I was over at Libby in the  
9 paper.

10 Q Oh, when his trial was?

11 A Yeah. And then -- That's the only --

12 Q That would have been the first person that  
13 you were aware of that had asbestosis?

14 A (Deponent nods head.) I think -- I think  
15 so.

16 Q That's fine.

17 MR. GRAHAM: That's all I have.

18 Thank you very much.

19 MR. SULLIVAN: Thank you.

20 THE DEPONENT: Is that it?

21 MR. GRAHAM: Yeah.

22 (Whereupon, the deposition of MARY RUTH  
23 ALBERT was concluded and signature was reserved.)

24

25